

Board of Chiropractic Examiners

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**BOARD OF CHIROPRACTIC EXAMINERS
MEETING MINUTES
Enforcement Committee
November 27, 2007
400 R Street, Room 101
Sacramento, CA 95814**

Committee Members Present

Hugh Lubkin, D.C., Chair
Francesco Columbu, D.C.

Staff Present

Brian J. Stiger, Executive Officer
LaVonne Powell, DCA Senior Legal Counsel
Thomas Rinaldi, Deputy Attorney General
Marlene Valencia, Staff Services Analyst

Call to Order

Dr. Lubkin called the meeting to order at approximately 9:05 a.m.

Roll Call

Dr. Columbu called the roll. Both committee members were present.

Chiropractic Use of X-ray

Dr. Rodney Schell, D.C. informed the committee that he and two other chiropractors were employed by Community Mobile Diagnostics to take x-rays of non-chiropractic patients. The Radiological Health Branch (RHB) cited Community Mobile Diagnostics because the three chiropractors were taking x-rays without the proper license. Dr. Schell stated RHB terminated his employment as well as two other chiropractors that worked for Community Mobile Diagnostics based on the citation from RHB. Dr. Schell says RHB will allow chiropractors to take x-rays outside of the chiropractic office if the State Board of Chiropractic Examiners says it's within the chiropractic scope of practice.

Dr. Schell states that he took x-rays of non-chiropractic patients and that Community Mobile Diagnostics hired them as x-ray techs. Dr. Schell says that when they were hired, Community Mobile Diagnostics assumed that the chiropractic operator supervisor license superseded an x-ray tech license.

Dr. Dietrick, D.C. stated that Community Mobile Diagnostics told her that if she could get the State Board of Chiropractic Examiners to turn this around she would have her job back right away.

Ms. Powell stated this Board does not have jurisdiction over the department of Health Services.

Dr. Schell quotes Health and Safety Codes 107110 and 107111 to support his position and that he has no restrictions on which he can perform x-rays.

Ms. Powell stated that her reading of the law is that chiropractors can only take x-rays within the scope of practice of a chiropractic license, which is providing chiropractic treatment. She added that this Board only has jurisdiction over chiropractic practice.

Dr. Schell states that RBH agreed to allow chiropractors to take x-rays outside of the office if the State Board of Chiropractic Examiners determined that it is within the scope of practice.

Dr. Lubkin explains that this Board has not taken any action against Dr. Schell and why is he uncomfortable taking this issue up with RBH. Dr. Schell says RBH has stated it is up to the State Board of Chiropractic Examiners.

Dr. Schell wants to know if the Board authorized previous statements made to RBH by former Board staff.

Mr. Stiger added that RBH established their policy on this issue back in 1998 and their policy has never changed. He also commented that due to the Board's budget situation and enforcement priorities, staff would not even be able to look at this issue for a couple of months.

Public Comment

Dr. Charles Davis, D.C. states that neither the code nor the regulations restrict chiropractors from taking x-rays for diagnostic purposes for a medical doctor or chiropractor. He recommends that the Board write a statement to that effect.

A public member representing Life West states that chiropractors refer patient to the school for x-rays and the school wants to ensure they are compliant with the law. Dr. Lubkin states the committee is not attempting to restricting chiropractors from taking x-rays of chiropractic patients. The speaker reiterates that the law does not limit chiropractors with respect to taking x-rays.

Discussion and Possible Action: 306.1 Quality Review Panel

Dr. Davis provided 4 written options for the Board to consider in implementing 306.1. Dr. Davis offers option 1 as the easiest to implement. Dr. Davis suggests these options would minimize conflict of interest issues.

Dr. Lubkin asked how Dr. Davis would address the mandatory language requiring Quality Review Panels to be established in each county. Dr. Davis believes the counties can be consolidated.

Dr. Lubkin asked Dr. Davis for clarification between expert reviewers and quality review panels. Dr. Lubkin wanted to ensure the two weren't being blended.

Mr. Stiger added that Board staff has begun working on an expert reviewer manual and training.

Meeting adjourned:

Dr. Lubkin adjourned the meeting at 9:55.